

LAW N° 22/2002 OF 09/07/2002 ON GENERAL STATUTES FOR RWANDA PUBLIC SERVICE.

We, Paul KAGAME,
President of the Republic,

THE TRANSITIONAL NATIONAL ASSEMBLY HAS ADOPTED AND WE SANCTION, PROMULGATE THE LAW, DECLARED TO BE IN HARMONY WITH THE FUNDAMENTAL LAW BY THE SUPREME COURT, SECTION OF CONSTITUTIONAL COURT, IN THE RULING N° 025/11.02/02 PASSED ON 05/07/2002, AND ORDER IT TO BE PUBLISHED IN THE OFFICIAL GAZETTE OF THE REPUBLIC OF RWANDA.

The Transitional National Assembly, meeting in its session of June 24, 2002;

Given the Fundamental Law, as amended to date, especially the Constitution of June 10, 1991 in its Articles 69 and 97, and the Arusha Peace Agreement on Power Sharing in its Articles 6-d, 16-3°, 27b, 40, 72 and 73;

Given the Law-decree of July 7, 1980 on Code of Judicial organisation and competence, especially in its Article 43 paragraph two as confirmed by law n° 01/82 of January 26, 1982 relating to the confirmation of Law-decrees;

Having revisited the Law-decree of March 19, 1974 on General Statutes for Government employees as modified and complemented to date;

ADOPTS:

TITLE ONE: GENERAL PROVISIONS

CHAPTER ONE: DEFINITIONS

Article One:

1° a) Considered as a Government employee, is any person carrying out a job under the form of a working post within the Rwanda Public Service, and is paid out of funds made for public interest.

b) Rwanda Public Service is made up of all public services established by Government to meet, in terms of provisions or services, expectations of the Rwandan people as felt from their needs and priority problems.

2° a) Employment is the name given to a professional occupation for which a person is paid.

Every employment is subdivided into one or several posts in which are working Government employees.

b) A working post is a simple and physical position to which one single Government employee is appointed in order to actually carry out duties related to his/her employment.

c) The set of employments with the same characteristics as regards the nature of tasks, access, promotion modalities, and work environment are hereafter grouped in one category.

d) Each category of employments is subdivided into official channels which comprise employments with similar special features and which are distinct from others.

e) The official channel refers to a grouping of employments with the same nature conforming to the same principles of evolution and to the same professional logic within a given development sector. The official channel of employments is comparable to a corporate body.

f) Employment and the relating working posts are classified according to the step and level.

g) The step for an employment or a working post corresponds to its hierarchical situation on a scale of classification. The step is comparable to a class.

- h) The step is an indicator which specifies the employment or the working post position within a class.
- 3° The grade is a title which refers to the Government employee according to the employment he/she is carrying out or the working post he/she is occupying. The grade for a Government employee can also be determined within his/her social and professional category or corporate body. The grade shows in precise terms the category and official channel of employment for the employee, the class of his/her working post, as well as the step related to it.
- 4° The post description is a management tool which consists in setting out, as more precisely and comprehensively as possible, the special feature of the work to be carried out, the work context, the nature of tasks and responsibilities, the working conditions, as well as the objectives and the demands required for the potential post occupant.
- 5° The organizational structure is a table which presents the method of organizing an administration according to its service units, the relating employments and working posts and their requirements on the one hand, as well as Government employees on the other hand, qualifications and experiences related to the post. The organizational structure specifies the number of employments and working posts provided for, the number of occupied posts and the number of vacant posts.
- 6° Redeployment is an administrative operation which enables to proceed to adjustments in the organizational structure by moving Government employees from one post to another, with a view to achieving appropriateness of employment profiles compared to the employees' qualifications and experiences.
- 7° a) The index is the exact figure which shows the value of the Government employee's grade or working post, on the basis of which his/her salary can be calculated.
- b) The index point is the unit measure from which are assessed the value and the evolution of grades and working posts.
- c) The value of the index point is a fixed amount of money allocated to the index point.
- 8° The salary structure is the table which represents all indexes likely to be allocated to different grades and working posts, and from which basic salaries are calculated.

CHAPTER II: THE LAW AND ITS APPLICATION FIELD

Article 2:

This Law makes the General Statutes for Rwanda Public Service. It contains general provisions governing the management of Government employees. Public Service is made up of the whole of jobs and working posts in Rwanda public administrations.

Article 3:

This law applies to all Government employees as defined in Article one 1° a). However, specific statutes for the Army and National Police, determine specific provisions as regards aspects relating to the nature of the service, the mode of recruitment and entering service, the system of promotion, and suspension of activities.

Statutes governing political appointees and judicial staff are determined by specific laws.

Article 4:

Government Administrations staff referred to in Article 3, Paragraph 2, are subject to the specific statutes which are established by a presidential decree.

TITLE II: PUBLIC SERVICE EMPLOYMENT ORGANIZATION

CHAPTER ONE : EMPLOYMENT CATEGORIZATION

Article 5:

Employments in Rwanda Public Service are classified in the following five (5) categories:

- 1° the category of employments of “command”, category “C” in abbreviated form;
- 2° the category of employments of “administrative and technical management”, category “G” in abbreviated form;
- 3° the category of employments of “orientation, consultancy and conception”, category “OC” in abbreviated form;
- 4° the category of employments of “professional application”, category “P” in abbreviated form;
- 5° the category of employments of “execution”, category “E” in abbreviated form;

Article 6:

Category “C” concerns any work position in which a Government employee carries out functions of representing the Government Authority, expressing National Sovereignty or representing the Country abroad.

Category “C” of employments of command comprises four (4) channels: Territorial Administration, Army, National Police, Diplomatic and Consular Missions.

Access to working posts of employments in category “C” is generally made through appointment, in accordance with provisions of the Fundamental Law, agreements or conventions.

Article 7:

Category “G” concerns any work position in which a Government employee carries out functions of management relating to supervising, coordinating, planning, controlling or following up activities and resources within Central Administration, Public Establishments, Decentralized Services, and general interest Projects.

Government employees carrying out one of the aforementioned functions in technical fields notably accountancy, computer science, radiography, research laboratory, are also included in category “G”.

Category “G” of employments in administrative and technical management comprises five official channels: Central Administration, Decentralized Services, Public Establishments, Project Management and Technical Management.

Article 8:

Category “OC” concerns any work position in which a Government employee carries out functions or accomplishes duties leading him/her to put forward views, to express opinions, to carry out analysis and research, to conceive management policies, to give orientations, and to make action proposals.

Category “OC” comprises three official channels: Analysis, Research and Conception, Counselling.

Article 9:

Category “P” refers to any work position in which a Government employee carries out functions or duties of applying a technical or scientific competence in fields or sectors in which Government offers public services or carries out public interest activities.

Category “P” of employments of professional application comprises fifteen (15) official channels: Rural Development; Health; Veterinary Medicine; Education; Land System; Public Works and Town Planning; Sports; Youth and Culture; Documentation and Archives; Information and Communication; Finance; Economy; Mechanical and Electronic Engineering; Chemistry and Earth Sciences; Meteorology and Transport; Posts and Telecommunications.

Article 10:

Category “E” concerns any work position in which a Government employee carries out simple execution functions with neither supervision nor delegation possibility. The employee just goes about support duties following the supervisor’s or superior’s guidelines or instructions.

Category “E” of employments of execution comprises all official channels in which can be found execution duties.

Article 11:

Access to posts of categories “G”, “OC”, “P” and “E” is through competition and by appointment by the competent authority after successfully passing the said competition.

CHAPTER II: EMPLOYMENT GRADING**Article 12:**

Employments grading is done within a framework comprising ten (10) steps, running from step ten (10), the lowest one, to step one (1), the highest one. Each employment is subdivided into working posts. Working posts coming under the same employment are divided into ten (10) different positions corresponding to ten (10) levels, running from the lowest (1), to the, highest level (10).

The accurate classification for each working post is made by indicating initials of the employment category and its official channel, and mentioning unequivocally its position in the employment grading table with ten (10) steps and ten (10) levels.

Employment grading can be found in the appendix I.

Article 13:

All working posts for Rwanda Public Administration are found in the organizational structure approved beforehand by the relevant authority in accordance with the legislation in force.

Article 14:

The working post provided for beforehand in the State’s budget corresponds to the whole of duties, functions and responsibilities, which require special skills and capacities relating to that post.

Article 15:

Every Government employee is classified according to the employment grading and to the working post he/she is occupying within Rwanda Public Service.

However, within the framework of specific administrations and different social and professional groups referred to in Article 3 above, the classification of employees by grades is found in their specific statutes.

TITLE III: PUBLIC SERVICE MANAGEMENT ORGANS**Article 16:**

Management organs of the Rwanda Public Service are :

- 1° The national competent authority in the Public Service area;
- 2° The local competent authority in the Public service area, and
- 3° The Public Service Commission.

Areas of competence, functioning modalities of both national and local authorities of the Public Service are determined by a presidential decree.

Other management organs may be instituted by autonomous statutes for the management of particular aspects relating to persons concerned in Article 3.

CHAPTER ONE: NATIONAL COMPETENT AUTHORITY IN THE AREA OF PUBLIC SERVICE

Article 17:

The national competent authority in Public Service is a central administration authority endowed with competence in the area of Public staff management.

The mentioned authority is, either the President of the Republic, the Prime Minister, the Minister having Public Service in his/her attributions, or the Head of a Ministerial Department or of any other Public institution following level in importance of the areas to rule on in each administration.

CHAPTER II: COMPETENT AUTHORITY IN THE FIELD OF PUBLIC SERVICE MANAGEMENT AT THE PROVINCE, TOWN OR DISTRICT LEVEL

Article 18:

The competent authority in the field of Public Service at the Province, Town or District level is an authority endowed with competence in the field of Public staff management working in decentralized services.

CHAPTER III: PUBLIC SERVICE COMMISSION

Article 19:

It is hereby established an independent Public Service commission, hereafter called “the Commission”.

Article 20:

The Commission is made up of five (5) members recognized for their morality, honesty and competence, called “Commissioners”.

The members of Commission are selected by the National Assembly on a list of ten (10) candidates presented by Cabinet. They are selected for a five (5) year term not renewable. Appointment deeds are made by a Presidential Decree.

Article 21:

The Commission has as its main mandate to maintain in the Rwanda Public Service:

- 1° Objectivity and neutrality in recruitment and management of human resources.
- 2° Respect of discipline and professional ethics;
- 3° Respect of standards, methods, and procedures of an efficient management guaranteeing a better output in public services in conformity with law texts and administrative deeds in force;
- 4° Promotion and harmonization of efficient methods and practices in management in various Government services.

Article 22:

The Commission has as its remit in particular:

- 1° To organize administrative tests for various working posts in the Public Service and publish their results;
- 2° To give appreciation on physical and intellectual abilities of persons called on to exercise public employments;
- 3° To give motivated appreciation on reports for probation training courses, in case of unsatisfactory training course;
- 4° To give their appreciation on medical reports on Government employees, relating to long duration leave for illness;

- 5° To give their appreciation to the competent national or local authority in the Public Service field, relating to suspending Government employees from duties;
- 6° To enforce respect for principles in training Government employees;
- 7° To effect checking and investigations, following appeals introduced by Government employees who consider themselves prejudiced in their rights, and/or victims of arbitrary management by their hierarchical authorities. To this end, it submits detailed reports to various administrations and to competent levels concerned;
- 8° To report, two (2) months before the end of each fiscal exercise, to Cabinet and the National Assembly, its annual achievements and considerations of the functioning of various Rwanda Public Administrations.

Article 23:

The Working modalities of the Commission are determined by a Presidential decree.

TITLE IV: TAKING OFFICE

CHAPTER ONE: RECRUITMENT

Article 24:

There can only be recruitment for an employment within Rwanda Public Service if that employment has one or several working posts in the organizational structure which are vacant and included in the budget.

Each working post is subject to full analysis as provided for in article one 4°.

Article 25:

The Finance Bill specifies for every year the organizational structures for Rwanda Public Administration, employments and working posts which are suppressed, maintained or created in the budget, each being assorted with references of its filing, according to the employment grading as defined in Article 12.

Article 26:

Recruiting Government employees of Categories “G”, “OC”, “P” and “E” is done through competition, organized by the Commission which is in charge of advertising vacant posts, as well as results from the related competition.

Article 27:

There are two kinds of competition: internal competition and external competition. Internal competition is done at the level of each public administration, and within the Public Service. External competition is open to all persons likely to meet requirements for the advertised post.

Article 28:

Successful candidates must fulfil the following conditions:

- 1° to be a Rwandan national;
- 2° to be at least eighteen (18) years old;
- 3° to be admitted as mentally and physically fit to carry out the advertised employment;
- 4° not to have been sentenced to six months’ imprisonment or more;
- 5° to be holding a degree or certificate corresponding to the profile of the post to fill;
- 6° neither to have been dismissed nor automatically removed from any office in Rwanda Public Administration, unless it is a reinstatement case.

Other conditions may be set for some employments, with regard to conventions and specific statutes.

CHAPTER II: OATH –TAKING

Article 29:

Before taking office, every Government employee takes the following oath:

“ I,, in the name of God Almighty, solemnly do swear before the Nation to loyally carry out my duties, to remain faithful to the Republic of Rwanda, to respect the Head of State and Government institutions and to promote the Rwandese people’s interests, in abiding by the Fundamental Law and other laws”.

Oath-taking is solemn and is done before the competent authority.

TITLE V: CARRYING OUT DUTIES

CHAPTER ONE: DUTIES AND DURATION OF WORK

SECTION ONE: DUTIES

Article 30:

Every Government employee carries out his/her duties in one of the working posts shown in the organizational structures approved pursuant to Article 25.

In the case of the working post holder’s justified absence, a service interim must be ensured. The acting employee must be from the same service unit as the absent employee, have qualifications which are very close to the requirements of the post, and have a grade which is higher, equal or immediately lower than the usual holder’s one.

The modalities of being appointed as an outing employee are determined by a decree of the Minister having public service in his/her attributions.

SECTION II: DURATION OF WORK

Article 31:

The duration of weekly work for Government employees in various Public Administrations is specified by a decree of the Minister having Public Service in his/her attributions.

Implementation modalities for the said duration, notably the weekly resting for Government employees in general, and in particular for women who are breastfeeding are specified by the same decree.

CHAPTER II: PROBATION PERIOD AND INSTATEMENT

SECTION ONE: TRAINING

Article 32:

Every recruited Government employee is subject to a probation period of six (6) months of activity, during which his/her direct superior assesses his/her performance in comparison with his/her competences, professional capacities, intellectual and moral qualities.

In case of a successful probation period, the employee is confirmed in his/her post.

In case of unsuccessful probation period, the Government employee is dismissed, after a Public Service Commission’s motivated notice to the national or local competent authority concerned.

However, with regard to relevant elements in the Commission’s report, the competent authority may decide to extend the probation period for another duration of six (6) months maximum.

SECTION II: INSTATEMENT

Article 33:

Once confirmed in his/her post, the Government employee is instated into the employment's official channel under which comes his/her working post according to the level and step relating to it.

The employee's grade corresponds to his/her employment's position, according to the employment grading scale.

CHAPTER III: GOVERNMENT EMPLOYEES' MOVEMENTS

Article 34:

Movements to which is subject a Government employee when exercising his/her duties are: appointment to a post, internal transfer, external transfer, appointment to a new post, missions not related with his/her working post, training and upgrading courses outside his/her usual place of work.

Article 35:

Appointment is the administrative act by which the competent authority appoints a Government employee to a working post.

Article 36:

Any change of a working post within the same administration is an internal transfer.

Article 37:

External transfer refers to the situation where a Government employee changes the category or the employment's official channel, or the specific statute he/she is subject to.

External transfer can only take place if an employee meets conditions of qualifications or requirements for the post which is vacant in the organizational structure and is included in the budget for another employment category.

CHAPTER IV: STATUTORY POSITIONS

Article 38:

The Government employee's position describes his/her status while exercising his/her duties.

The Government employee is put in one of the following positions:

- 1° in service;
- 2° on secondment;
- 3° at another administration's disposal;
- 4° on leave of absence for non-specific period;
- 5° on suspension.

SECTION ONE: SERVICE

Article 39 :

Service is the position of the Government employee who effectively carries out his/her duties at the working post to which he/she has been appointed.

Is also considered as being in service position, the Government employee who is on leave; on official mission; on training or on upgrading course.

Article 40:

A Government employee when in service enjoys all his/her rights.

Sub-section one: Leaves**Article 41:**

In addition to the annual statutory leave, a Government employee may benefit from a sick leave, an incidental leave or an authorized leave of absence.

Article 42:

At the end of twelve (12) months of service, the Government employee must compulsorily benefit from an annual statutory leave of thirty (30) calendar days.

The annual leave is calculated on the basis of two days and a half per month (2.5), and may be divided up into three (3) periods maximum.

Article 43:

Where a Government employee has not been able to benefit from his/her annual leave during the previous year for service reasons though he/she applied for it, he/she gets a leave resulting from the accumulation of two consecutive years of service.

However a Government employee cannot stay in service for more than two consecutive years without taking his/her annual leave.

In addition, when a government employee has been not able to benefit from his/her annual leave due to service reasons and when, for any reason, he/she is subject to a another appointment, he/she is compensated for as much as the salary calculated on the basic of the leave he/she is entitled.

Article 44:

A Government employee may benefit from a leave of thirty (30) days maximum in the case of sickness or disability justified by a medical certificate issued by an authorized doctor.

Article 45:

Where a Government employee is not in a position to resume service following a medical notice by an authorised doctor duly motivated by the Commission, he/she benefits from a long duration leave which cannot exceed six (6) months, nine (9) months or twelve (12) months depending on whether the employee respectively has less than five (5) years, from five (5) to ten (10) years, or more than ten years of service seniority in Public Service.

Article 46:

The Government employee benefits from an incidental leave within the following limits:

- 1° two (2) working days for the death of the employee's spouse's parents in direct first lineage;
- 2° three (3) working days for the employee's internal transfer leading to a change of residence;
- 3° four (4) working days for the employee's marriage, for child's or relative's marriage in direct first lineage, for delivery by the spouse; for the death of a relative in direct first lineage and a brother or sister in direct lineage;
- 4° ten (10) working days for the death of the employee's spouse or hi/her child;
- 5° twelve (12) consecutive weeks for maternity leave, two (2) weeks of which are compulsory before delivery and six (6) compulsory after delivery.

An incidental leave is granted at the time when the event justifying it takes place.

Article 47:

An authorized leave of absence for one day maximum which is not deductible from the annual leave may exceptionally be granted to a Government employee by his/her immediate superior, for duly justified reasons.

However, a Government employee cannot benefit from more than ten (10) days of an authorized leave of absence in one year.

Article 48:

Annual leave and incidental leave are granted by the competent authority or his/her delegate.

A long duration sick leave is granted by the competent authority on a motivated notice from the Commission.

Sub-section II: Official missions**Article 49:**

Official missions are regulated by a Presidential Decree.

Sub-section III: Training and Upgrading**Article 50:**

Undergoing training is the position of a Government employee who is called on to provisionally interrupt his/her duties in order to attend, any full or part time instruction or supervision of variable duration, organized within or out of his/her regular working environment, to acquire new skills intended to reinforce his/her professional capacities as compared to the working post which is occupied or to be occupied.

Training can take place inside or outside the country, in a centre, an establishment or a registered institution of training, in a working environment, or at any other place suitable for a given type of training.

Article 51:

Upgrading for Government employees takes place in three forms:

- 1° professional training for a short or long duration;
- 2° upgrading or refresher courses;
- 3° study trips;

Article 52:

A short or long duration Professional training is aimed at acquiring new professional skills and competence, and takes place within an authorized national or international training establishment.

In-service short or long duration professional training must be practical and in harmony with the job description for the post occupied by the government employee.

Article 53:

Every Government employee is required to be regularly updated in his/her field of competence, to enable him/her to update his/her professional skills and competences.

Article 54:

A Government employee may undertake such study trips that are purposeful to learning and understanding work realities in action.

Article 55:

Modalities for participating in various training forms and to what they confer are determined by a decree of the Minister having Public Service in his/her attributions.

SECTION II: SECONDMENT**Article 56:**

Secondment is the position in which a Government employee is called on to provisionally interrupt his/her duties for a public interest, in order to:

1° occupy a post within an organization in which the State holds interests or within a private organization bound to the State by a convention;

2° occupy a post within an international public organisation.

Secondment is decided by the competent national authority in matters of Public Service.

Article 57:

Any granted secondment of a Government employee makes his/her post vacant. The seconded Government employee is subject to regulations of the secondment Institution during his/her secondment, except for matters relating to his/her definitive cessation of activity.

An employee on secondment maintains his/her rights to rank promotion, salary and rank seniority in his/her category and channel of his/her original work.

Article 58:

At the end of his/her secondment, the Government employee resumes by right his/her work except in the case the end of secondment is due to disciplinary sanctions.

SECTION III: BEING AT ANOTHER ADMINISTRATION'S DISPOSAL**Article 59:**

Being at another administration's disposal is a position when the government employee is placed in the other public administration with statutes different from those of the Administration he/she originated from or in the organization of public interest and is still under statutes of administration he/she originated from.

Being at another administration's disposal is approved by the competent authority.

SECTION III: LEAVE OF ABSENCE FOR NON-SPECIFIC PERIOD**Article 60:**

Leave of absence for non-specific period is the position of a Government employee who is occupying a permanent post in one of Rwanda Public Administrations and who, for reasons of personal interest, is authorized to temporarily interrupt to exercise his/her duties.

Leave of absence for non-specific period for a Government employee makes vacant the post he/she leaves.

Article 61:

During his/her leave of absence for non-specific period, a Government employee loses his/her right to salary as well as to rank promotion.

Article 62:

Application for leave of absence for non-specific period is forwarded in writing and acknowledgement of receipt, to the competent authority as far as Government employees are concerned and with a copy to his/her hierarchical authority.

The competent authority gives a ruling on the application, within a maximum period of thirty (30) calendar days of application receipt.

Article 63:

A Government employee, when applying for leave of absence for non-specific period is required to stay in service until decision is notified to him/her.

Leave of absence for non-specific period is considered as granted at the expiry of the period provided for in Paragraph 2 of Article 62.

Article 64:

A Government employee who is on a leave of absence for non-specific period can not resume his/her activity, unless there is an employment expressed in a working post which is vacant in the organizational structure and included in the budget and after he/she successfully passes the competition test organized for that purpose.

SECTION IV: SUSPENSION OF DUTIES**Article 65:**

Suspension of duties is the situation of a Government employee who, due to his/her irregular absence or for particular reasons, is constrained to unjustifiably leave from exercising his/her duties.

The period for suspension of duties cannot exceed six (6) months.

Article 66:

A Government employee is subject to a suspension of duties:

1° if there is a freeze on jobs or job suppression.

2° due to the following reasons:

- a) if he/she leaves office without valid reason and without authorization, for at least fifteen (15) consecutive days;
- b) if he/she is punished with suspension as disciplinary reasons;
- c) if he/she is imprisoned to serve a final judicial sentence of less than six (6) months;
- d) if a serious disciplinary fault, likely to lead to a sanction of a suspension or to revocation is noted against him/her;
- e) if the end of his/her secondment is caused by disciplinary reasons.

In such a period, the employee placed in suspension of duties loses the right to salary, as well as to promotion and rank seniority with exception to the government employee referred to in 1°, who is given two thirds (2/3) of his/her net salary corresponding to rank promotion.

Article 67:

Suspension of duties is decided by the competent authority on request by the Administration employing him/her, and in conformity with the decision from the Commission.

Article 68:

Suspension of duties ends either by:

1° resumption of service in case there is a vacant post;

- 2° resumption of service after eventually discharging a criminal sentence or disciplinary sanction;
- 3° automatic dismissal or resignation;

SECTION V: REINSTATEMENT

Article 69:

Any person who has lost his/her status of a Government employee may recover it through reinstatement on his/her own request, and when the administration's interest so requires.

Article 70:

Reinstatement takes place within the following conditions:

- 1° the applicant must meet recruitment conditions as provided for by Article 28;
- 2° the working post to recover must be vacant in the organizational structure and included in the budget.

CHAPTER V: PERFORMANCE EVALUATION AND PROMOTION

Article 71:

Government employees, are obligatorily subject to an annual performance evaluation by their immediate superiors after every twelve (12) months' activity period.

Article 72:

This evaluation aims at showing the Administration the government employee's value, competence and methods of work. It forms the essential basis for assessing his/her right to promotion from one step to another every two years and to annual salary increase.

Modalities for performance evaluation and promotion are fixed by a Prime Minister's decree.

CHAPTER VI: RIGHTS, OBLIGATIONS AND INCOMPATIBILITIES

SECTION ONE: RIGHTS

Article 73:

A Government employee enjoys all rights and liberties recognized to every citizen. He/she exercises them within the framework of laws and regulations in force.

Article 74:

A Government employee has right to personal professional records kept by the Administration and containing all documents related to his/her administrative situation and career development.

Article 75:

A Government employee enjoys the right to have access to his/her personal professional file and may namely require the Administration, to clarify, rectify, update, complement or withdraw information which is inaccurate, incomplete, ambiguous, outdated and whose collection, use, communication or preservation is forbidden.

When the concerned Government employee so requests, the competent administration must carry out the requested modification.

In case of contention, the proof burden lies with the Administration to which the right of access is exercised, except where it is noticed that the contested information were communicated by the concerned employee or with his/her consent.

Article 76:

Government is required within its capacities to provide its employee with protection against threats, insults, violence, abuse or slander of which he/she may be victim, because of or in the exercise of his/her duties.

Article 77:

Government is required to ensure protection to its employee against accident and illnesses related to his/her profession. In case of their occurrence, the due services are served in accordance with such provisions in force as relating to social security scheme.

In addition, Government participates through a medical insurance system in the employee's medical care expenses and of his/her spouse and legitimate or recognized children.

Article 78:

A Government employee has right to the State's contribution to his/her accommodation.

Article 79:

A Government employee has right to transport from his/her residence to his/her work place and vice versa.

In case a Government employee is appointed to another post which is in a remote area from his/her previous post, Government ensures his/her transportation cost to join his/her new post of appointment as well as that of his/her direct family members.

Article 80:

Modalities for implementing Articles 78 and 79 are fixed by a Prime Minister's Decree.

SECTION II: OBLIGATIONS**Article 81:**

A Government employee is required to carry out personally, the public service expected of him/he, and to devote himself/her to it in all circumstances with diligence, probity, objectivity, impartiality, respect for the public good, sense of responsibility and general interest.

He/she is also required to meet information requests from the public, in compliance with rules relating to the duty of confidentiality and to the professional discretion as provided for in Articles 85.

Article 82:

A Government employee is required to respect the public property during and after office hours by taking due care for its good management and by protecting it against any destruction or despoliation.

Article 83:

A Government employee must abstain from every activity which is contrary to ethics and morality.

Article 84:

Every Government employee is answerable for the fulfilment of tasks entrusted to him/her. In this regard he/she is required to comply with individual or general instructions given by his/her immediate superior within the service framework and in conformity with laws and regulations in force.

Article 85:

Every Government employee must show his/her professional discretion in all matters related to facts, information or documents of which he/she might have knowledge in the exercise of his/her functions with exception to cases provided for by laws in force or allowed for by him/her immediate superior.

SECTION III : INCOMPATIBILITIES**Article 86:**

The following is incompatible with a Government employee's status:

- 1° Any political activity likely to be prejudicial to the good functioning and general interest of the Public Service as well as to maintaining his/her action's objectivity;
- 2° Any profession or commercial or industrial activity prejudicial to the fulfilment of his/her duties;
- 3° Any participation in the full time management or administration of a company or any other commercial or industrial enterprise likely to be prejudicial to the government employees function; however this provision does not apply to mandates exercised on behalf of the Administration in private enterprises.

It is forbidden for a Government employee to have, in an enterprise or in a sector under his/her direct control or in relation to him/her, by himself/her or through the intermediary of a person or under any name whatever, interests likely to compromise or to restrict his/her freedom and objectivity for his/her action while exercising his/her duties.

TITLE V: DISCIPLINARY SYSTEM COMPLAINTS, AWARDS AND HONORARY DISTINCTIONS**CHAPTER ONE: DISCIPLINARY SYSTEM****Article 87:**

The breach by a Government employee of obligations assigned to him/her constitutes a disciplinary fault which, following its seriousness, must be punished by one of the penalties provided for in Article 92.

Article 88:

Every action relating to disciplinary procedure is obligatorily done in writing.

Article 89:

A fault and its disciplinary sanction of government employee are independent from infringement and punishment as provided by criminal legislation, the same fact being, therefore, liable to cause both a disciplinary procedure and a criminal procedure.

Article 90:

No disciplinary sanction can be pronounced without the concerned person having had the possibility to present in writing his/her means of defence.

No sanction can be effective for the period prior to its pronouncement.

Article 91:

Disciplinary sanctions are divided into two categories: first degree sanctions and those of the second degree.

First degree sanctions deal with less serious faults while those of the second degree relate to the most serious faults.

Article 92:

First degree sanctions are a warning, official blaming, deduction of a quarter of the salary for a period of one month maximum.

Second degree sanctions are suspension for a period of three months maximum, delay in promotion and expulsion.

Article 93:

First degree sanctions are imposed by the competent authority.

Second degree sanctions are imposed by the competent authority after taking into account views from the Commission.

Article 94:

A second degree disciplinary sanction must be notified in draft first to the concerned person who will provide additional explanations.

Sanctions imposed to a Government employee can be levied.

The decision purposeful to levy a sanction is decided by the competent authority as regards the Public Service after considering the presentation by the Commission.

Article 95:

Modalities for the disciplinary system application are fixed by a Presidential Decree.

CHAPTER II: APPEAL**Article 96:**

Any Government employee who considers himself/her prejudiced, has the right to introduce an administrative appeal or legal appeal.

Article 97:

An administrative appeal is introduced at first level to the superior hierarchical authority and at the second level, to the Commission, within a period which does not exceed thirty (30) days from the date decision was notified to the concerned person.

Article 98:

The hierarchical authority or the Commission referred to must give a ruling within thirty (30) days from receipt of the request; beyond which the queried decision is null and void.

CHAPTER III: AWARDS**Article 99:**

A Government employee who, in the exercise of his/her duties, distinguishes him/herself in service particularly by his/herself in commitment to his/her duties in all honesty, objectivity, neutrality and who contributes to increase his/her output and his/her institution's efficiency, may be rewarded as follows:

- 1° Letter of commendation
- 2° Letter of congratulations
- 3° Official testimonies of satisfaction
- 4° Medals of distinguished service

Article 100:

Awards referred to in Article 99 are given with a special bonus and give right to:

- 1° Precedence of audience in State's public departments;
- 2° Invitation to official ceremonies.

Article 101:

Both letters of commendation and congratulations are each forwarded to the deserving employee by the competent authority on his/her administration head's instigation.

Article 102:

An official testimony of satisfaction and medals of distinguished service are awarded to concerned Government employees on 1st May Celebration by the Chancellor of National Orders upon proposal by the in-charge of the Government Institution concerned.

Article 103:

Modalities for awarding and benefits which come with the mentioned awards are fixed by a Decree of the Prime Minister.

CHAPTER IV : HONORARY AWARDS**Article 104:**

A Government employee who has served honourably, may be awarded, in the exercise of his/her duties or posthumously, honorary awards in accordance with legislation and regulations thereto.

Article 105:

Granting titles or honorary awards lies within the competence of the Great Chancellery of the National Orders, following analysis of administrative records of the concerned Government employees.

TITLE VII: FINANCIAL PROVISIONS**CHAPTER ONE: SALARY****Article 106:**

Every Government employee has the right, after accomplished service, to a monthly salary comprising: basic salary to which is added, if necessary, family allowances and possibly compensations, bonuses and other benefits relating to his/her post specificity.

Article 107:

The salary due after accomplished service, is made up of a basic salary calculated following the position of each work post on the salary grid in conformity with Annex II.

Article 108:

The position of each working post corresponds to a grading, following its position on the scale of jobs classification in force.

The Government employee's basic salary is calculated following the grading corresponding to his/her rank or work post.

Article 109:

The basic or grading salary to which allowances, bonuses and other advantages are added constitutes the gross salary.

CHAPTER II: ADVANTAGES AND DEDUCTIONS**Article 110:**

Allowances constitute salary elements as being Government's contributions to its employees whilst bonuses related to the salary constitute remuneration.

Article 111:

An employee who exercises interim duties beyond sixty days (60) has right to enjoy the financial advantages related to his/her working post.

Article 112

Deductions for taxing purpose and for welfare costs are deducted from the gross salary to give the net salary to be paid monthly to the Government employee, on due term.

Article 113:

The salary of government employee is affected from the date of commencement of activity and is not due as from the date following the day the Government employee ceases being in activity.

When the monthly salary is not entirely due, it is divided up in thirty parts and it is issued following the number of payable parts.

Article 114:

Excluding cases of obligatory deductions in accordance with legal provisions in force, no person can make deductions from a Government employee's salary except on a seizure-decree or a voluntary cession.

Article 115:

The value of the rating point, modalities of its calculation and payment of the Government employee's salary, nature and granting of allowances, bonuses and other advantages are determined by a decree of the Prime Minister.

TITLE VIII: DEFINITIVE END OF ACTIVITY**Article 116:**

Definitive end of activity leads to removal of the Government employee from the Government employee staff's records.

Definitive end of activity results from:

- 1° Deliberate resignation ;
- 2° Automatic resignation;
- 3° Expulsion;
- 4° Admission to retirement;
- 5° Death.

CHAPTER ONE: DELIBERATE RESIGNATION

Article 117:

Deliberate resignation is a written deed by which the employee shows without ambiguity, his/her wish to leave definitively the Public Service.

Resignation is approved by the authority competent in the area of Public Service.

Article 118:

A deliberate resignation is forwarded in writing and through hierarchy to the authority competent in the field of Public Service who takes a decision on the request in thirty (30) days maximum from the date he/she receives the resignation request.

The employee who requests to be released from his/her duties is bound to remain in service until a decision accepting his/her resignation is notified to him/her. However, where the authority has not made a decision on the request within the period provided in paragraph, the resignation is considered to be acquired the day following the expiry of the due date.

CHAPTER II: AUTOMATIC RESIGNATION

Article 119:

Automatic resignation is a deed by which the authority competent in the field of Public Service decides to expel definitively an employee from the Government staff.

Article 120:

Automatic resignation is pronounced wherever a Government employee:

- 1° Ceases to fulfil the conditions required on recruitment as provided for in article 28;
- 2° Is not confirmed to his/her post after his/her training course;
- 3° Has not resumed his/her service without a valid reason after expiry of suspension period as provided for in article 66,1°;
- 4° Is not physically and/or intellectually able to resume his/her duties after a period of a long duration leave which is provided for in article 45;
- 5° Is declared professionally incompetent ;
- 6° Remains more than six months in the position of suspension from duties because of suppression or a freeze on employment;

Article 121:

In case of employment or working post suppression, the employee is automatically released and enjoys a bonus of activity end to be calculated basing on his/her last gross salary and structured as follows:

- 1° A one (1) month's salary for employees justifying less than five (5) years' service;
- 2° Two (2) months' salary for employees justifying from five (5) to nine (9) years' service;
- 3° Four (4) months' salary for employees justifying from ten (10) to nineteen (19) years' service
- 4° Six (6) months' salary for employees justifying at least twenty (20) years' service.

CHAPTER III: EXPULSION

Article 122:

Expulsion is a definitive measure expelling a Public Service employee following a serious fault.

Expulsion is decided by the authority competent in the area of Public Service following a confirming advice from the Public Service Commission.

Expulsion takes effect from the date the Government employee is notified.

CHAPTER IV: ELIGIBILITY FOR RETIREMENT AND BEING SENT IN TO RETIREMENT

Article 123:

Eligibility for retirement and being sent in to retirement marks the normal end of the Government employee's exercise of duty, which gives him/her the right to a retirement pension in conformity with legal provisions on Social Security matters.

A Government employee who stops his/her duties for good after having honourably accomplished at least fifteen (15) years of service, is allowed to claim his/her right to retirement while keeping the highest rank in the occupied posts, titles and fringe benefits, acquired in the execution of his/her duty.

Article 124:

The normal age for retirement is sixty five (65) years.

However, at the age of at least fifty five (55) years old and with at least 15 years of working experience, a Government employee may request that he/she be entitled to anticipated retirement.

Article 125:

Eligibility to retirement and being sent into retirement is decided by the competent authority as far as Public Service is concerned and gives the Government employee right to a bonus for his/her end of activity which is equal to six (6) times the highest net salary reached in his/her career in public administration and which constituted the calculation base for the contributions paid to the Social Security Fund.

A government employee who is retired at the age of fifty five (55) years is given a supplementary bonus which is equal to six (6) times the salary referred to in paragraph one of this article.

CHAPTER V: DEATH

Article 126:

Death of a Government employee marks the final suspension of his/her activities in Public Service and puts an end to the disciplinary procedure in all its effects.

Government pays the funeral fees for its employees who die on duty.

The said fees cover at least the coffin purchase, grave preparation and transport of the dead's remains.

Fixing such fees and their related modalities is made by a Prime Minister's decree.

Article 127:

In the event an employee dies, a death allowance which is equal to six (6) times the last gross monthly salary is awarded to the widow or widower and to the children; and where there is none of them, to legal claimants which share the amount as determined by law.

TITLE IX: TRANSITIONAL AND FINAL PROVISIONS

CHAPTER ONE: TRANSITIONAL PROVISIONS

Article 128:

All currently working Government employees having well-defined ranks, with regard to their administrative and financial records in accordance with the Law-decree of March 19, 1974 and its implementation texts, are hereby positioned according to their salaries on the salary structure in accordance with Appendix II.

Readjustment of ranks according to the salary structure referred to in paragraph one of this Article necessitates beforehand, fixing the value for the index point relating to the real situation for the payment from which working Government employees in activity benefit.

Each employee's position on the salary structure mentioned in paragraph one corresponds to his/her new rank under Article 15.

Government employees governed by provisions of the Law-decree of March 19, 1974 shall keep their seniority, as long as they are maintained in Public Service in accordance with the provisions of this Law.

Article 129:

Each Rwandese Public Administration governed by provisions of these Statutes is requested to draw up an organizational structure presenting all jobs and working posts to which Government employees are now appointed with regard to the post requirements.

Article 130:

Government employees recently appointed to a new rank as described in Article 128 above, are positioned in one of the working posts of the Public Administration's organizational structure.

In the event of inadequacy between requirements or the post profile and qualifications and experience of the employee occupying it, then either:

- 1° employees are redeployed within a same administration; or
- 2° between different administrations; or
- 3° a procedure of anticipated retirement or resignation without consultation is made.

Where at the end of either one of the operations above, the post becomes vacant, it is open to competition.

Different operations mentioned above are made with regard to the descriptions of the working posts.

Article 131:

Internal redeployment is made by the person in charge of each administration on proposal of his/her direct superiors for Government employees or of persons in charge of different administrative units.

Subject to provisions of Article three (3) paragraph two (2), redeployment between Administrations is made by the Minister having Public Service in his/her attributions, on proposal by the in-charge of the concerned Administrations.

Article 132:

Procedures existing in accordance with laws and rules previously in force as far as Public Service is concerned will continue to be valid for twelve (12) months after the entry into force for this Law.

CHAPTER II: FINAL PROVISIONS

Article 133:

All previous legal provisions contrary to this Law are hereby repealed.

Article 134:

This law comes into force from the day of its publication in the Official Gazette of the Republic of Rwanda.

Kigali, on 09/07/2002

The President of the Republic
Paul KAGAME
(sé)

The Prime Minister
Bernard MAKUZA
(sé)

The Minister of Public Service and Labour
KAYITESI Zainabo Sylvie
(sé)

The Minister of Finance and Economic Planning
Donald KABERUKA
(sé)

Seen and sealed with the Seal of the Republic:

The Minister of Justice and Institutional Relations
Jean de Dieu MUCYO
(sé)